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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,712	09/07/2004	Lee Underwood	8830-294	4678
23973 7590 02/07/2008 DRINKER BIDDLE & REATH ATTN: INTELLECTUAL PROPERTY GROUP ONE LOGAN SQUARE 18TH AND CHERRY STREETS PHILADELPHIA, PA 19103-6996				
EXAMINER				
DRODGE, JOSEPH W				
ART UNIT		PAPER NUMBER		
1797				
MAIL DATE		DELIVERY MODE		
02/07/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/506,712

**Applicant(s)**

UNDERWOOD ET AL.

**Examiner**

Joseph W. Drodge

**Art Unit**

1797

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 30-42 and 48-55 is/are pending in the application.
- 4a) Of the above claim(s) \_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-42 and 48-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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1. Claims 32-36,41 and 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims are inconsistent with independent claim 30, since claim 30 recites only a single electronic circuit and these dependent claims refer back to plural or different electronic circuits.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 30-34,36,38-40, 48-52 and 55 are rejected under 35 U.S.C. 102(e) as being anticipated by Rela patent 6,607,668. For independent claims 48 and 50, Rela discloses the claimed host apparatus “frame forming a self-contained unit” (column 3, lines 31-35 and column 10, lines 64-68), separable, installed water treatment components (pre-filter 10, softener module 20, UV sterilization unit 28, etc., electronic circuits cooperating between the components and a control means located in the apparatus and exchanging data and control signals when the components are mounted in the apparatus and purified water is being produced (column 11, lines 13-58), a component means for sanitizing/sterilizing the water being treated (column 7, lines 40-

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48), and also means for sanitizing or cleaning multiple components and parts of the apparatus (column 6, lines 58-64 and lines 8-14, etc.).

4. For dependent claims, Rela discloses: two-way cooperation for 31,40 and 49 (column 11, lines 25-29), optical/visual displaying forms for 32 (column 11, lines 30/31 and 69), a physical electronic circuit for 33 (column 11, line 36/37, circuit components can be manually reset), means to ensure operation/cooperation only when components are connected/joined for 34 (column 3, lines 31-34), reading of data for 36, a central computer/microprocessor for 37 (column 2, line 65), transmission of control functions inherently requiring signals for 38 and 39 (column 11, lines 19-21 and 25-29).

5. For claims 48-49, 51,52 and 55, Rela discloses further claim limitations of ion exchange resin cartridge for 48 (column 6, line 47), the components being integral with electronic circuit since the circuit includes sensors within the components for 51, and the components being modules, hence consumable units for 55.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 35,37,41,42,53 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rela patent 6,607,668 in view of Hunter patent 6,558,444.

Claims 35 and 53 differ from Rela in requiring the electronic circuit or other "circuit" to contain a memory or database. However, Hunter teaches a filtering system for any type fluids (column 5, lines 3-15) in which a central controller contains such memory/database (column 4, line 22 etc.). It would have been obvious to one of ordinary skill in the art to have utilized such memory or database with the Rela system, to enable detection of trends which could be used to alert operators or automatic controller to replace or service components with decreasing performance.

Claims 37,41 and 42 differ from Rela in requiring the circuit to contain a data tag or chip, claim 42 requiring this be identifiable by the electronic circuit, or relatedly requiring the circuit to contain encrypted data for claim 54. Hunter also teaches such data tag and data chip (column 3, lines 30-46 and column 5, lines 18-23), which may be encrypted. It would have been obvious to one of ordinary skill in the art to have utilized such memory or database with the Rela system,

to enable detection of installation of incorrect or faulty components/units to prevent preparation or dispensing of water not properly or adequately purified.

Applicant's arguments with respect to claims 30-42 and 48-55 have been considered, and are persuasive, but are, substantially, moot in view of the new ground(s) of rejection. It is argued at bottom of page 9 of the Remarks that Rela fails to disclose the claimed electronic circuit. However, two-way transmission of data from the modules to the central control unit, and coupled to numerous monitors necessarily requires a relatively complex electronic circuit.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Drodge at telephone number 571-272-1140. The examiner can normally be reached on Monday-Friday from

8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Roy Sample, can be reached at 571-272-1376. The fax phone number for the examining group where this application is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR, and through Private PAIR only for unpublished applications. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWD

January 30, 2008

/Joseph W. Drodge/  
Primary Examiner, Art Unit 1797